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TAGS: UN, LOS, UNDP, BU

SUBJECT: NEW BULGARIAN PERMREP IN NEW YORK

REF: SOFIA 1401

1. YANKOV IS CHAIRMAN OF THIRD COMMITTEE OF LOS CONFERENCE DEALING WITH MARINE POLLUTION AND MARINE SCIENTIFIC RESEARCH. ON THESE ISSUES, REQUEST YOU MAKE FOLLOWING POINTS.
2. MARINE POLLUTION. U.S. IS REASONABLY SATISFIED WITH MOST OF TEXT PARTICULARLY WITH INCLUSION OF PORT OF ARRIVAL ENFORCEMENT RIGHTS. COASTAL STATE ENFORCEMENT RIGHTS ARE PROBABLY ACCEPTABLE AS A GOOD BALANCE BETWEEN NAVIGATION AND ENVIRONMENTAL INTERESTS. U.S. IS UNHAPPY WITH TWO POINTS, HOWEVER -- FLAG STATE PRE-EMPTION RIGHT IN ARTICLE 38 AND ARTICLE 20(2) OF PART II WHICH LIMITS STANDARD-SETTING IN TERRITORIAL SEA. U.S. WILL MAKE MAJOR EFFORT TO ELIMINATE RESTRICTIONS IN ART. 20(2), PARTICULARLY SINCE WE HAVE HAD RECENT CONGRESSIONAL PRESSURE (MUSKIE AND CASE) TO AVOID SUCH RESTRICTIONS.
3. MARINE SCIENTIFIC RESEARCH. U.S. IS VERY UNHAPPY WITH NEW TEXT BECAUSE IT IS MUCH TOO COASTAL STATE ORIENTED. OVERALL CONSENT REQUIREMENT IN ARTICLE 60, PARA 1, IS UNACCEPTABLE AND U.S. IS MOUNTING MAJOR NEGOTIATING EFFORT TO ELIMINATE THAT REQUIREMENT. U.S. FEELS THIS TEXT IS NOT RESULT OF NEGOTIATING PROCESS IN COMMITTEE III AND INTENDS TO STRESS THAT POINT WITH OTHER COUNTRIES. U.S. OFFERED REASONABLE COMPROMISE IN SECRETARY KISSINGER'S APRIL 8 SPEECH WHICH WOULD ACCEPT COASTAL STATE CONSENT REQUIREMENT FOR SCIENTIFIC RESEARCH DIRECTLY RELATED TO RESOURCE EXPLORATION AND EXPLOITATION IF OTHER SCIENTIFIC RESEARCH WERE NOT HAMPERED AND IF DISPUTES WERE SUBJECT TO BINDING THIRD-PARTY SETTLEMENT PROCEDURES. U.S. DOES NOT INTEND TO GO BEYOND THAT OFFER OF COMPROMISE.
4. COMMITTEE II. MOST IMPORTANT OUTSTANDING ISSUE IN COMMITTEE II IS HIGH SEAS STATUS OF ECONOMIC ZONE. BULGARIANS

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CAN BE EXPECTED TO ADHERE TO SOVIET (AND U.S.) LINE, WHICH IS TO RETAIN HIGH SEAS STATUS WHILE RECOGNIZING RESOURCE AND CERTAIN OTHER RIGHTS IN COASTAL STATE. YOU MAY ALSO STATE HOPE THAT ISSUE OF RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO PARTICIPATE IN EXPLOITATION OF LIVING RESOURCES OF NEIGHBORING ECONOMIC ZONES BE REASONABLY RESOLVED.

5. COMMITTEE I. BULGARIAN REPS HAVE NOT BEEN ACTIVE ON COMMITTEE I ISSUES AND IN ANY CASE CAN BE EXPECTED TO FOLLOW SOVIET LINE CLOSELY. YOU CAN STATE THAT IT NOW APPEARS THAT THE OUTSTANDING COMMITTEE I ISSUES ARE THE CHIEF OBSTACLE TO THE SUCCESSFUL CONCLUSION OF THE LOS NEGOTIATIONS. THERE ARE A NUMBER OF IMPORTANT UNRESOLVED ISSUES, SUCH AS THE COMPOSITION AND VOTING ON THE INTERNATIONAL AUTHORITY COUNCIL WHICH WILL REQUIRE A MAJOR NEGOTIATING AND POLITICAL EFFORT TO RESOLVE, WE HOPE THAT ALL DELEGATIONS WILL WORK TOWARDS SETTLING THESE ISSUES AS EXPEDITIOUSLY AS POSSIBLE.

6. RE OTHER MULTILATERAL ISSUES SUGGEST YOU DRAW ON STATE 178439 WHICH IS BEING REPEATED TO YOU. ALSO, WE CONCUR IN YOUR PLAN TO RAISE PUERTO RICO ISSUE ALONG LINES OUTLINED IN PARA 4 OF SOFIA 1401. ROBINSON